

ym



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,016	12/30/1998	SCOTT L. MINNEMAN	100126	2341
7590 01/13/2005				
OLIFF & BERRIDGE P O BOX 19928 ALEXANDRIA, VA 22320		EXAMINER NGUYEN, HUY THANH		
		ART UNIT 2616		PAPER NUMBER
DATE MAILED: 01/13/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/223,016

Applicant(s)

MINNEMAN ET AL.

Examiner

HUY T NGUYEN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-13,15-21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-13,15-21 and 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-4,6-13,15-21 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hibi et al (5,546,191) in view of Lang (4,96395).

Regarding claim 1, Hibi discloses a system (Figs. 21 and 22) that uses structured representations to index recordings of activity (audio /video information) comprising:

an indexing device (95,79) that adds recordings of activity to at least one index as the activity is recorded (Fig. 16) , indexes recordings of activity (column 28, line 41 to column 29, line 23) and plays recordings of activity based on a user input since the

Art Unit: 2616

user can selecting any recordings activity portion to be replayed (column 30, lines 10-15, column 24, lines 40-60);

an object description file (79) that stores the at least one index; a user input device that selects at least one item of the at least one index based on a user input; an association device that associates the selected at least one item with a recording of an activity; and a playback system for replaying an indexed recording (column 24, lines 40-60, Fig. 16).)

Hibi fails to teaches that the system further having an editing means for editing the activity and means for simultaneously relaying the indexed activity and recording activity.

Lang teaches a recording and reproducing apparatus (Fig. 2) having means for simultaneously playing recorded video/audio and recording video/audio information and mean for editing the audio/video information (column 2, lines 37-42, column 9, lines 1-55, column 6, lines 23- 48).

It would have been obvious to one of ordinary skill in the art to modify Hibi with Lang by using incorporating editing means and recording/ reproducing means as taught by Lang in the apparatus of Hibi thereby enhancing the capacity of the apparatus of Hibi for viewing and editing the video/audio information .

Method claim 10 corresponds to apparatus claim 1. Therefore, method claim 10 is rejected by the same reason as applied to apparatus claim 1.

Art Unit: 2616

Regarding claims 2, and 11 Hibi as modified with Lang further teaches a recording system that records the activity (See Hibi column 28, lines 40-55, Lang column 6, lines 25-50) .

Regarding claims 3 and 12, Hibi as modified with Lang further teaches that the recording system allows a previously recorded activity to be inserted in a current recording (See Lang column 6, lines 25-50) .

Regarding claims 4 and 13, Hibi as modified with Lang further an audio/video storage device that stores a recorded activity (See Hibi column 28, lines 40-55, Lang column 6, lines 25-50)

Regarding claims 6 and 15, Hibi further teaches the playback system can replay a portion of the indexed recording in response to selecting an item from the at least one index column 24, lines 40-60.

Regarding claims 7 and 16, Hibi as modified with Lang further teaches an editing system that allows modifications to a recorded activity (See Lang column 6, lines 22-47).

Regarding claims 8 and 17, Hibi further teaches a display device that displays at least one of the at least one index, the at least one item and the recording (Fig. 6, column 24, lines 40-60).

Regarding claims 9 and 18, Hibi further teaches the association device temporally associates the recording of an activity with the selected at least one item (column 24, lines 40-60).

Art Unit: 2616

Regarding claim 19, Hibi as modified with Lang further teaches that the recording of an activity is an audio recording (See Hibi column 7, lines 38-45, Lang column 6, lines 37-40).

Regarding claim 20, Hibi as modified with Lang further teaches the recording of an activity is a video recording (See Hibi, column 29, lines 1-15, Lang column 6, lines 37-40).

Regarding claim 21, Hibi as modified with Lang further teaches that the recording of an activity is a multi media recording (audio, video information from a broadcast or camera or from other recording/ reproducing apparatus).

Regarding claim 23, Hibi as modified with Lang further teaches that the at least one index is extracted from a document (video program) input to the system (See Hibi, column 28, line 58 to column 29, line 15).

Regarding claim 24, Hibi as modified with Lang further teaches inputting a document into the object description file prior to recording the activity; and extracting from the document the at least one index since Lang teaches that the document can be stored on a storage means before recording and Hibi teaches extracting a index from the activity . (See Lang column 9, lines 3-30, Hibi column 29, lines 1-30).

Regarding claim 25 and 26, Hibi as modified with Lang fails to specifically teaches that teaches the activity directed to the disassembly and subsequent reassembly of a device. However, it is noted that activity including disassembly and assembly is well known in the art . Therefore Official Notice is taken and it would have been obvious to one of ordinary skill in the art to capture the disassembly and

reassembly of a device as a program and input the program to the apparatus of Hibi as modified with Lang as an alternative of a program source .

Response to Arguments

3. Applicant's arguments with respect to newly amended claims 1 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

Art Unit: 2616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUYNH NGUYEN
PRIMARY EXAMINER